

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LOCALS 302 AND 612 OF THE  
INTERNATIONAL UNION OF  
OPERATING ENGINEERS  
CONSTRUCTION INDUSTRY  
HEALTH AND SECURITY FUND;  
LOCALS 302 AND 612 OF THE  
INTERNATIONAL UNION OF  
OPERATING ENGINEERS-  
EMPLOYERS CONSTRUCTION  
INDUSTRY RETIREMENT FUND;  
WESTERN WASHINGTON  
OPERATING ENGINEERS-  
EMPLOYERS TRAINING TRUST  
FUND; and LOCAL 302  
INTERNATIONAL UNION OF  
OPERATING ENGINEERS,

Plaintiffs,

v.

ACE PAVING CO., INC.,

Defendant.

CASE NO. C12-0404-JCC

ORDER

This matter comes before the Court on Plaintiffs' motion for summary judgment (Dkt. No. 7). The Court grants the motion for the reasons explained herein.

Plaintiffs filed a Complaint in this matter on March 8, 2012, alleging that Defendant Ace Paving Co., Inc. failed to pay monthly contributions to the Plaintiff trust funds as required under a binding collective bargaining agreement. (Dkt. No. 1.) Ace Paving appeared and answered the

1 Complaint on April 19, 2012. (Dkt. No. 6.)

2 On May 22, 2012, Plaintiffs moved for summary judgment on all claims, arguing that  
3 Ace Paving's own reporting showed that it had breached the collective bargaining agreement.  
4 (Dkt. No. 7.) Plaintiffs submitted documentation in support of their claim for \$67,030.68 in late  
5 contributions, liquidated damages, and interest. (Dkt. No. 8.) Ace Paving failed to respond to the  
6 motion for summary judgment.

7 The Court considers Defendant's failure to oppose Plaintiffs' motion as an admission that  
8 the motion has merit. *See* Local Rule CR 7(b)(2). Plaintiffs' motion for summary judgment (Dkt.  
9 No. 7) is therefore GRANTED. Judgment is awarded to Plaintiffs against Defendant Ace Paving,  
10 Inc. in the following amounts: \$54,827.86 for contributions, \$3,637.21 for dues, \$6,585.50 for  
11 liquidated damages, \$1,980.11 for interest through May 31, 2012, and reasonable attorneys' fees  
12 and costs to be determined at a later date.

13 The status conference set in this matter for Tuesday, June 26, 2012 at 9:00 a.m. is hereby  
14 VACATED.

15 DATED this 22nd day of June 2012.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE